

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
 LAKE GEORGE, NEW YORK,
 OCTOBER 2, 2005

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 * Docket No.: DCA 06 MM 001
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Interview of: LARRY STEINHART and JOYCE CLOUTIER

National Transportation Safety Board
 490 L'Enfant Plaza East, S.W.
 Washington, D.C. 20594

Wednesday,
 October 12, 2005

The above-captioned matter convened, pursuant to
 notice, at 8:08 a.m.

BEFORE: MARIETTE BURER

APPEARANCES:

MARIETTE BURER
National Transportation Safety Board

STEVE RIVENBURGH
New York State Park Police

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I N T E R V I E W

(8:08 a.m.)

MS. BURER: Okay. My name is Mariette Burer with the National Transportation Safety Board, and with me, I have --

MAJ. RIVENBURGH: Steve Rivenburgh, New York State Park Police.

MS. BURER: And go ahead and announce your name.

MR. STEINHART: Larry Steinhart, 15 Carriage Hill Drive, Latham, New York.

MS. BURER: Okay. And today is October 12, 2005. It's approximately 8 minutes after 8:00, and this is in regards to the Ethan Allen accident that occurred on October 2nd.

INTERVIEW OF LARRY STEINHART

BY MS. BURER:

Q. Okay, sir. Can you go ahead and just tell us what you saw in your own words?

A. Sure. My wife and I were heading south on the way. We were just out for a leisurely cruise with our two dogs on Sunday afternoon. We had just passed the mouth of Green Harbor which is where we dock our boat. We own a townhouse at Green Harbor Association, and for whatever reason, we just decided to keep going and not turn into our dock. It was a beautiful day. So we just kept going. We -- just after we passed, you know, the -- passed Green Harbor, we saw the Ethan Allen. It was running parallel to us at that point. The first comment I made

1 to my wife is, look how packed that boat is today because
2 usually that boat doesn't have very many people on it, and we
3 also noted that they were all elderly people. We, you know,
4 were riding parallel probably about 50 to 75 yards, I would
5 say, from the boat because we were sort of along the shore, as
6 we came out of the Harbor there or by the Harbor, and the boat
7 started to make, you know, it's a Shoreline Cruise. So, you
8 know, we're used to seeing that boat in our Harbor because it
9 turns around there, and it makes fairly sharp turns. So, you
10 know, we're used to seeing it make sharp turns which it does.
11 It makes sort of like L shaped turns instead of gradual turns.
12 And as soon as it started to make the turn, the boat started
13 lifting and careening, and my wife is, you know, basically we
14 both said, you know, this boat is not going to come back down.
15 This is going to keep going and turn over because we could sort
16 of see the weight all shifting to one side, and it was just
17 instantly. It just, you know, went over. We -- I started
18 turning the boat around. My wife took the cell phone and made
19 the 911 call. At that point, we just, you know, there were
20 people clinging to the side of the boat. We knew there had to
21 be people trapped underneath because there were -- we saw so
22 many more people on the boat than, you know, we saw in the
23 water at that point. We began throwing our life preservers
24 overboard so -- to the people, and what I did is I turned
25 around, you know, put my ladder in the water, and, you know,

1 cut my engine, and we just started, you know, pulling people
2 into the boat at that point. We yelled to other boats that
3 were passing by. A couple of them did pass by, didn't stop,
4 but enough, you know, at that point started coming in, you
5 know, so we had other people sort of helping, keeping up and
6 out of the water, and then bringing them into their boats.
7 About 10 minutes later, we made a second call, 911 call because
8 we didn't see any rescue people coming at all, and at that
9 point, we started to see, you know, bodies floating. We were
10 able to get nine people into our boat at that point. Now
11 there's been stories about a wake which we sort of, you know,
12 can stand reading these stories because we passed the Mohican
13 up the Lake at least 10 minutes, I would say 7 to 10 minutes
14 before we passed the Ethan Allen. We did go through its wake.
15 It was well above Cannon Point, probably between Cannon Point
16 and the Lake George Club, because we were going slow and we had
17 our dogs with us. So we were probably going 7 to 10 miles an
18 hour, and we went through its wake. My wife actually picked up
19 one of our dogs, you know, put him in her lap, and by the time
20 we got to the Ethan Allen, there was -- the water was perfectly
21 calm. So there was no wake and, you know, these stories that
22 there was is just -- was just not true. In fact, we were going
23 through there. The boat was not rocking at all at the time we
24 saw the Ethan Allen. As far as we could tell from our
25 observation, it was the weight of the boat, you know, it was

1 too much weight on one side, and it just caused the thing to
2 keep going over. You know, we never seen the boat that full.
3 It was just packed. On an average day, you see it going with
4 only about a half a dozen people on it. I'm not sure what else
5 I can tell you other than it was all pretty hectic. It
6 probably took about 20 minutes before the rescue boats came.
7 At that point, the boat was fully sunk, and anybody who could
8 have been saved was saved, I think when the people come to the
9 rescue there, local boaters. I'm not sure if there's anything
10 else I can tell you. Yeah, the water was calm. It was a
11 beautiful day. We were even noting when we were out there,
12 there were sailboats that the sailboats were not exactly
13 lifting themselves because there wasn't enough wind. So, you
14 know, my wife also doesn't like going on the boat when it's
15 rough. So it was a nice calm day.

16 Q. Okay. Okay. When was -- at what point -- we're
17 actually looking at a map right now. So can you go back
18 through the whole -- the thing during your --

19 A. Where the Mohican was?

20 Q. No, actually what I want to do is start from the very
21 beginning where you said you passed Green Harbor, right, that's
22 where you dock?

23 A. At Green Harbor, there's -- I don't know what that,
24 that -- at the mouth of Green Harbor, there's a spit of land
25 there that is the south end of the Harbor.

1 Q. Yes.

2 A. Okay. As we came by that, then we saw the Ethan
3 Allen in Still Bay.

4 Q. Okay.

5 A. Okay. It was off to our right. We were heading
6 south. The Ethan Allen was heading north.

7 Q. Okay.

8 A. All right. We passed it probably -- at that point,
9 the Ethan Allen was maybe 75 yards from the shoreline, maybe to
10 100.

11 Q. Okay. So --

12 A. At that point, we passed it and then it started to
13 make its turn, and we were proceeding south and my wife is
14 actually facing backwards because she had -- our seats swivel
15 around and she was facing the back of the boat and saw the
16 whole thing with one of our dogs in her lap. Okay. So she's
17 the first one who said, boy, that boat's leaning, and then I
18 turned around and we just both watched the thing just keep --
19 it just started into the turn and it just leaned and it kept
20 leaning, you know, it got worse as it, you know, the weight
21 shifted in the boat. You know, the boat was flipped over. At
22 that point, the propeller was going around and black smoke was
23 coming out, you know, from the bottom of the boat, and, you
24 know, we were just hearing people screaming.

25 Q. Okay. So the propeller was still going and the black

1 smoke when it actually rolled over?

2 A. Yes.

3 Q. Okay.

4 A. The boat rolled over, and then there were people, you
5 know, clinging to the side of the boat.

6 Q. Can you give me an estimate of how long that
7 occurred, that particular scenario?

8 A. From the time it started leaning until it went over?

9 Q. Yes.

10 A. Fifteen, twenty seconds, you know.

11 Q. Okay.

12 A. Because it did tip and then it tipped up more, almost
13 perpendicular for a second or two and then it just flipped
14 right over. It did sort of careen a little bit. I mean it
15 looked like he was trying to control the rudder, but once the
16 rudder came out of the water, there was nothing he could do
17 about it.

18 Q. Right.

19 A. The boat was sort of out of control.

20 Q. Which way was he turning?

21 A. He was turning to the right as they headed north.

22 Q. Turn to right.

23 A. Yes, they were going along the shore. It was like --
24 what I would call for that boat a normal turn. The way that
25 boat usually makes its turns because it's a (indiscernible), it

1 sort of makes right angle turns. It doesn't make gradual
2 turns.

3 Q. Right.

4 A. They're not what I would call sudden, you know,
5 because the boat's going slow. The boat wasn't going any
6 faster than it normally does, but it makes sort of a sharp
7 turn.

8 Q. So up to this point, there was nothing out of the
9 ordinary.

10 A. Right, because we see that boat all the time. It
11 comes in our Harbor every hour. Okay. So we're used to it
12 being in our way whenever we're getting out of our, out of our
13 dock and coming back in. It's almost always there for some
14 reason. The time is always wonderful, and I think it runs
15 every hour. So --

16 Q. Right. And I just wondered, how often do you see
17 that it's so loaded with passengers?

18 A. Oh, very seldom. I mean we've never -- that's why we
19 made the comment. We've never ever seen it -- I mean in the
20 summer some days, even on a nice summer day, there's maybe a
21 dozen people on it, and that would be a large crowd I would
22 say. I mean at least our observation is that it's not usually
23 that, that crowded. But this was obviously -- I mean we
24 couldn't see an empty space on the boat. It was almost like
25 the middle of the boat was full, you know, had people too.

1 Q. Right.

2 A. It wasn't just the benches. It was like the middle
3 aisle had people. We didn't see any empty space.

4 Q. Did it seem like it was actually lower into the water
5 or --

6 A. That I couldn't actually say.

7 Q. Okay.

8 A. I didn't notice it being lower in the water than
9 usual. I mean it didn't seem to be, you know, we were parallel
10 to it. So I couldn't tell. I couldn't say that it was tipping
11 before the turn. I think it all happened as it went into the
12 turn.

13 Q. Okay. So the Ethan Allen was approximately 75 yards
14 along the shore, right?

15 A. Yeah, that would be my guess, yes, when we passed it.

16 Q. Okay. And then how far away were you from the Ethan
17 Allen?

18 A. I would guess about sort of an equal distance because
19 we were not, you know, we weren't from that point that's the
20 south -- from the south end of Green Harbor, we were probably
21 about, I don't know, 20, 30 yards, 20, 30 yards from that, you
22 know, into the Lake, you know, the Lake mainstream --

23 Q. Uh-huh.

24 A. -- going south, and then the Ethan Allen was probably
25 about 50 yards into the bay at that point or so, at the most.

1 So I would guess we were about 75 yards from the boat or less.

2 Q. Okay.

3 A. Because we could see it pretty good and see all the
4 people on the boat and that they were old people.

5 Q. Do you know when -- what time your wife actually
6 called 911?

7 A. My cell phone said I believe 2:54, and then I made
8 another call at 3:05 I think it was because we didn't see any
9 help coming. And at that point we knew that people, you know,
10 more people could have, you know, died.

11 Q. And by the time you made the second phone call, how
12 many people do you know or do you recall you had on your boat?

13 A. I would say we had most of the people that we --
14 probably about seven people we had on our boat at that point,
15 and then we were able to get a couple of more people before,
16 after we made that call. Because we could just start to see
17 bodies at that point. Initially we only saw one body. When
18 the boat first went over, there was only one body that was
19 floating out behind the boat, that must have, you know, the
20 person must have either hit their head or something, and they
21 were gone right away. And we just concentrated on trying to
22 get the people that were still clinging to the boat, who didn't
23 have life preservers. There were virtually no life preservers
24 to be seen that came to the surface from that, when that boat
25 went over, you know, it was all the people that were coming to

1 the rescue, just all of us throwing our life preservers out to
2 these people.

3 Q. So when do you think that the other bodies started
4 floating up, at what point or what made them come up?

5 A. Well, a lot of that was when the boat went down --

6 Q. Okay.

7 A. -- which I would say took about 15, 15 minutes for
8 the boat to fully, you know, made it's final sink. You know,
9 it was sort of turned over so people could still cling to it
10 for about 10 to 15 minutes I'd say.

11 Q. Okay.

12 A. But then at that point it just went down and at that
13 point, more bodies were, you know, coming up.

14 Q. Okay. So I don't think a lot of people that were --
15 that made it out of the boat and were clinging to it initially,
16 any of those people really succumbed, you know, that we were
17 able to save most people. I think the bodies were people who
18 had, you know, they were caught underneath the boat from the
19 beginning.

20 Q. Right. Okay. And then can you tell me again as far
21 as the Mohican, where exactly it was that you saw it?

22 A. Well, I can't say exactly, but I know this. I -- we
23 were well above Cannon Point because my wife and I turned
24 into -- where the Antlers is, I don't know exactly, I don't
25 know the landmarks, what everything's called there, but where

1 the Antlers Townhouse Development is there. We pulled into
2 that bay well after we passed the Mohican, just to look at the
3 houses there and the beach.

4 Q. Okay.

5 A. We actually stopped our boat and were looking at it,
6 and we were in the five mile an hour zone. So we had taken
7 time in that bay before we came back out and then headed --
8 continued south before we saw the Ethan Allen. So I would say,
9 like I said, it's probably about 7 minutes or so, to 10 minutes
10 before we saw the Ethan Allen, that we had already passed the
11 Mohican, and we were only going about 7 to 10 miles an hour as
12 it was. So it was quite a while.

13 Q. Right. Which way was the Mohican going?

14 A. It was going north.

15 Q. Okay.

16 A. So, you know, we had gone -- it was a Lake. It
17 wasn't an extreme Lake, and it is the same Lake we see every
18 day. So I don't think we were going any faster than it
19 normally does, and, you know, by the time we got down to that
20 area, Still Bay, there was no, you know, no wake at all. I
21 wouldn't say -- the Mohican also, I saw some stories that the
22 Mohican was loaded, you know, there were no more -- it really
23 wasn't that full from what we normally -- because we even
24 commented about it, you know, the Mohican doesn't seem to have
25 that many people. That's why when we saw the other boat we

1 thought, wow, that boat is really loaded.

2 Q. Right. Okay. I'm going to go ahead and turn it
3 over. Thank you.

4 A. Sure.

5 BY MAJ. RIVENBURGH:

6 Q. Mr. Steinhart --

7 A. Yes.

8 Q. -- what do you do for a living, sir?

9 A. I develop computer software.

10 Q. You do what, sir?

11 A. I -- we develop computer software. I have my own
12 company.

13 Q. Software developer?

14 A. Yes.

15 Q. Okay. And what type of boat do you own?

16 A. It's a 22 foot Stingray Sun Deck, 2003. Fortunately
17 it has a swim platform with a ladder off the back, and that's
18 why we were able to pull so many of those people out because it
19 was easy for them to, you know, sort of flop on to the, on the
20 back, and then I could pull them up the ladder and there was a
21 bar they can grab onto. So we were able to fortunately get a
22 lot of those people out of the water because they were -- a lot
23 of them were fairly heavy.

24 Q. Okay. What -- have you had any boating training?
25 U.S. Coast Guard --

1 A. Yes.

2 Q. -- Auxiliary or State?

3 A. I took the course I think three years ago before I
4 got my boat.

5 Q. Okay.

6 A. So --

7 Q. What was that? The U.S. Coast Guard Power --

8 A. The Coast Guard. They give it there at our local
9 high school.

10 Q. Okay. You say you were going about 7 to 10?

11 A. Uh-huh. Our wake certainly didn't do it.

12 Q. Okay. We're, we're not --

13 A. No, I --

14 Q. -- passing here. We're, you know, we're looking
15 for --

16 A. That's why I want you to have the facts.

17 Q. Yeah. Okay. You, you were southbound and passed the
18 Mohican somewhere between Cannon Point and Canoe Island?

19 A. Yeah, like up by Lake George Club maybe, you know,
20 somewhere in that area.

21 Q. Okay. At that point -- whoa, that's quite a bit
22 further north.

23 A. What is?

24 Q. Lake George Club from Cannon Point.

25 A. Well, it was somewhere in between there. I just know

1 that it was above Cannon Point, and how far above, I can't say
2 exactly but we were coming from, you know, that direction. We
3 had come around the north end of Cannon Point.

4 Q. Uh-huh.

5 A. I mean of Canoe Island. So we, we were originally
6 above Canoe and coming down the Lake.

7 Q. Okay. At what point roughly did you cut their wake?

8 A. You know, it was below Lake George but before Cannon
9 Point. I can't say exactly. I really can't.

10 Q. Okay.

11 A. No. I just know we passed it because we even said,
12 you know, when we said there's the Mohican, we used to laugh at
13 the Mohican, you know.

14 Q. Yeah.

15 A. So that's why we were aware of the Mohican. We made
16 it a joke.

17 Q. Okay. How long have you been boating on Lake George?
18 Just the past three years.

19 A. Let's see. Yeah, I've had -- yeah, three years.
20 Well, actually four years. Four years.

21 Q. Okay. And what, what's your vessel powered by?
22 Inboard, outboard.

23 A. It's inboard/outboard.

24 Q. It's an IO?

25 A. Yes.

1 Q. Okay. And what type of draft? Do you know?

2 A. No, I can't say.

3 Q. Okay.

4 A. I don't have the specs on that.

5 Q. Did you -- you said you dock it at --

6 A. Green Harbor.

7 Q. -- Green Harbor?

8 A. Yes.

9 Q. Okay. And that's just north of Cramer Point which is
10 at Peace --

11 A. Right, the southern spit of land that comes out
12 there, yeah.

13 Q. Okay. I'm just, I'm just trying to familiarize
14 myself with that location. You saw the -- when you, when you
15 saw the Ethan Allen and you noticed all the people on board,
16 did you notice how it was setting in the water?

17 A. Not, you know, I didn't, I didn't notice that it was
18 exceptionally low in the water or that it was lifting either
19 way. It did not look to me to be unusually low or lifting at
20 that point because we were parallel to it. So, you know, it
21 didn't seem to be, you know, anything out of the ordinary in
22 that regard.

23 Q. Okay. And you said the captain made his normal L
24 turn?

25 A. Yes.

1 Q. Did it appear --

2 A. It appeared to be a normal turn for that boat.

3 Q. Yeah. It didn't appear to be any harder than normal?

4 A. I wouldn't say so. And then again I've read stories
5 that, you know, he was turning to avoid the wake which that's
6 not what I say. I say that that's not what happened.

7 Q. Okay. By the time you got to --

8 A. He was heading towards land. He had to turn. I mean
9 that's the bottom line, you know, he was approaching the shore
10 and he had to make his right turn --

11 Q. Yeah.

12 A. -- out of the bay.

13 Q. Okay. I understand that. And you say that the -- by
14 the time you got to Antlers, there was no residual wake from
15 the Mohican or any other vessel?

16 A. That's correct.

17 Q. Okay. And it was -- there was no wake when you were
18 past Green Harbor or Cramer Point?

19 A. No.

20 Q. Okay. Anything else you can think of, sir, to pass
21 onto us?

22 A. I don't think so at this point.

23 Q. Okay. Is your wife available?

24 A. Yes, she is. Hold on one second.

25 MAJ. RIVENBURGH: Do you have any questions?

1 MS. BURER: No.

2 MS. CLOUTIER: Hello.

3 MS. BURER: Good morning. How are you?

4 MS. CLOUTIER: Good.

5 MS. BURER: We just spoke with your husband.

6 MR. STEINHART: Right.

7 INTERVIEW OF JOYCE CLOUTIER

8 BY MS. BURER:

9 Q. Could you add any more to --

10 A. No, I tried not to listen to him.

11 Q. Okay.

12 A. I tried --

13 Q. That's good.

14 A. -- kind of caught the tail end.

15 Q. Right.

16 A. I, you know, I did make statements to, to the
17 Sheriff's Office, and not an actual statement to the State
18 Police, but they did come to talk to me. You know, as my
19 husband said, I mean it, you know, we don't remember sometimes
20 exactly where things were, but we were coming south on the
21 Lake. We had actually kind of did a little tour of the Lake
22 because we didn't have the 15 year old and a 17 year old, and
23 they're more into the fast boat and having a good time. You
24 know, I'm kind of a quasi-hysteric on the boat. I'm not like
25 the most comfortable person on a boat. So I like going slow

1 and my children kind of don't like doing that.

2 Q. Right.

3 A. And so, you know, it was this wonderful day. I mean
4 if I see it rough on the Lake, I don't go out in the
5 summertime, and that's a lot of days. On Lake George, it
6 really can be very rough, and that day, it was just -- it was
7 really like glass. In fact, a man at my office commented to me
8 last week that on Sunday he had taken his sailboat out and
9 actually just turned around and went back in because there
10 wasn't even enough wind. He had to motor back in to get his
11 boat in, but, you know, we were coming down south. We had done
12 a little tour of like the lower area of the Lake, and we had
13 seen the Mohican and, and it was funny because there weren't a
14 lot of people on it, and we kind of commented, that it was such
15 a nice day. I mean it was just this glorious, glorious warm
16 fall day. The Lake was calm, and there weren't a lot of people
17 on it, and as it was coming north, my husband said, oh, what
18 boat is that, and he said, no paddle wheel, the Mohican, or no,
19 I said the Mohican and he said, oh, last of the Mohicans.
20 That's why it's so clear in our, you know, in our minds like we
21 commented, last, you know, he made the statement, last of the
22 Mohicans, and when we got the wake from the Mohican, we have
23 two little pugs, and I think a couple of the people from our
24 boat even commented in their statements, and I picked my one
25 little girl up because she just really -- this is maybe I think

1 only her second or third time out on the boat, and she, she got
2 scared when it started rocking. And so I picked her up, and we
3 continued to head south and we were actually going to go into
4 Green Harbor and call it a day, and my husband wanted to see
5 these three houses that had been completed a little bit further
6 down the Lake, from a Lake point of view. So we were being a
7 little nosy, and we were just continuing down, and my husband
8 saw the Ethan Allen. It was off in the distance, and he said,
9 oh, my God, you know, look how full it was and, you know, I
10 agreed. I mean you could just see. It was -- they were like
11 little sardines in there, you know, if you've seen sardines in
12 a can, that's what it looked like in this boat.

13 Q. Right.

14 A. And my, my seat, because I was holding my, my one
15 pug, my seat was faced north because, you know, I couldn't
16 put -- there wouldn't really be enough space for her, and so my
17 seat is heading, you know, heading north. So I'm just watching
18 the Ethan Allen, and there were not a lot of boats out on the
19 Lake that day, contrary to I think the Sheriff said, you know,
20 a lot of boat traffic. Not a lot of boat traffic for Lake
21 George. It was rather quiet, and so I'm looking north, and I'm
22 watching the boat, you know, the normal routine. I'm not
23 saying it looked anything different, and it was just heading
24 north in the bay, and then it made a right-hand turn, and it
25 makes a really pretty sharp right-hand turn. I mean this is

1 not -- me in a boat, I've got to go gradual because I don't
2 like my boat to tip at all because I'm a little bit afraid in a
3 boat. So it makes a pretty substantial right turn, and what
4 would happen, you know, it would make that right-hand turn, and
5 then normally then go a little bit and then head north, you
6 know, make another left-hand turn and then go right into Green
7 Harbor. When it made the turn, the minute is made the -- the
8 second, not minute, the second it made the turn, I said to
9 Larry, oh, my God, the Ethan Allen is going to like, it's
10 tipping over. I mean from the second, from the second it made
11 that turn, it was unstable. And it was like all over. I mean
12 it was like all over. And I just knew it was going down.
13 Larry turned around and he said, you're right. I said give me
14 your cell phone, and that was my phone call that I made saying,
15 you know, a boat, a boat's gone over just south of Green
16 Harbor. That, that was my phone call. I, I -- when I saw the
17 boat make the turn and he was out of control, immediately
18 the -- from that turn, I knew, and believe me, I'm not what
19 they -- I'm not a comfortable boater. I knew that boat was
20 going over. I knew there was no way he was going to make that
21 boat right. I knew it.

22 Q. Are you okay?

23 A. Yeah.

24 Q. Okay.

25 A. Yeah. Yeah, I mean we still have like sleepless

1 nights. I tell you, I wake up every night like during the
2 night and wake up and have to watch TV for a while.

3 Q. Right.

4 A. You know, the only other like -- anything that
5 happened in the Lake that day is -- when we were coming south,
6 there were these two boats, and they were exactly the same
7 only -- the same like kind of boat and apparently model of boat
8 I would say, they are like those kind of speed type boats.

9 Q. Okay.

10 A. And they were like racing down the Lake. In fact, I
11 said to my husband, I was like not happy about it, and I said
12 to him, what is the speed limit on the Lake because I was just
13 troubled but this was north of that, you know, north of, of
14 even Green Harbor, and then the one boat turned around and then
15 went back north, and I don't know what happened to the other
16 boat, but that was like the only thing that I noticed in the
17 Lake that day that was unusual, these two like racing boats
18 that just really bothered me. They kind of scared me. But,
19 you know, that would have been north of like this. It would
20 have been well north and the one boat, you know, they both
21 stopped and then they -- well, the one turned around and went
22 north. Other than that, it was just this, you know, very calm,
23 quiet day on the Lake, a very calm, quiet day on the Lake.

24 Q. Okay.

25 A. I mean as calm as, you know, there wasn't a calmer

1 day all summer when we were out. There wasn't a calmer day,
2 and a couple of mornings, you know, on a weekend we would try
3 to go out early because I don't like -- I'm not comfortable,
4 you know, going, you know, going very fast or when it's really
5 rough, and even then in the morning, it would still be a little
6 rough. I mean Lake George is, is, you know, it's a Lake I say
7 to be cautious of but this day was just, it was so quiet and
8 glorious on the Lake, you know, and then -- I tell you, he went
9 in the turn and that was all she rode. I mean that was it.
10 When we got to the boat, the first, the first person to
11 really -- for us to see was actually a man and he came out like
12 the northeast side of the boat, and he was just floating face
13 down. He had, you know, there wasn't any sign of life and then
14 people started popping up actually from under the boat. They
15 were like popping up, and you go and you start, you know, you
16 go for the survivors. You don't worry about --

17 Q. Right.

18 A. -- it's a terrible to say, but you've got to go for
19 the people that you know, you know, you can, you can get. You
20 know, that man had -- there wasn't any sign of life there.

21 Q. Right. How far were you from the Ethan Allen when it
22 capsized?

23 A. You know, I'm the worst judge of distance. I would
24 say less than a football field.

25 Q. Okay.

1 A. You know, a little less than a football field. I'm
2 not good at judging distance. So I'm not the most credible
3 person if you ask me distance. I've had laser surgery though.
4 I've got good vision.

5 Q. Okay.

6 A. I do. I mean --

7 Q. Right. I believe you.

8 A. -- I've had laser surgery, and I have very good
9 vision from it and would recommend it.

10 Q. Okay. My Dad has had it, too. So he I'm sure agrees
11 with you.

12 A. Right, right. So I mean -- and I watched it. It was
13 like, you know, I watched the Ethan Allen because, you know, it
14 was the only thing there kind of like to watch when, when we're
15 heading south and, number two, because it was just so full that
16 it almost intrigued you.

17 Q. Yeah.

18 A. You know what I mean. So I mean I kept a steady eye
19 on it, you know, at that point, and I just -- the minute he
20 made the turn, I, I said to my husband, the Ethan Allen is
21 tipping over.

22 Q. Right. And the two speed boats, how far --

23 A. They were, they were north of there, and I can't say
24 how much, but I remember commenting to my husband because I
25 just didn't like it, you know, I didn't think they should be

1 doing that in the Lake, and there wasn't anybody around to stop
2 them. I mean it was just inappropriate but it was certainly
3 north of there. It wasn't, it wasn't in that location.

4 Q. Right. Can you maybe tell me a time?

5 A. Oh, I don't know. It was probably five, six minutes
6 before, and oddly enough, I don't even think we felt a wake
7 from those boats because they were really out in the Lake.

8 Q. Yes.

9 A. They were out in the Lake.

10 Q. Okay.

11 A. You know, we didn't -- like we weren't rocking from
12 them. I was just very annoyed because I just don't think
13 that's a safe thing to do and, you know, on the Lake.

14 Q. Right.

15 A. But they were like way into the Lake, way into the
16 Lake.

17 Q. Okay. Okay. I'm going to go ahead and turn this
18 over to --

19 MAJ. RIVENBURGH: She's only been dealing with me for
20 a week, Joyce.

21 MS. CLOUTIER: Who is that person?

22 MS. BURER: Well, he has a very difficult last name.

23 MAJ. RIVENBURGH: My name, Joyce, just for the
24 record, my name is Steve Rivenburgh. I'm a Major with the New
25 York State Park Police.

1 MS. CLOUTIER: Okay.

2 MAJ. RIVENBURGH: And we're assisting NTSB with this
3 investigation.

4 MS. CLOUTIER: Uh-huh.

5 MAJ. RIVENBURGH: Okay.

6 BY MAJ. RIVENBURGH:

7 Q. I need a couple of personal items first.

8 A. Okay.

9 Q. Could you spell your last name for me?

10 A. Right. C L O U T I E R.

11 Q. Okay. And your date of birth?

12 A. Oh, I'm not giving you that.

13 Q. No, come on.

14 A. Nope. Won't do it.

15 Q. I'll get it.

16 A. You can get it, but I'm not giving it to you.

17 Q. Would you give me Larry's?

18 A. 1952.

19 Q. Okay. Not a problem. It's just for the record.

20 A. I'm not decrepit and old that I couldn't see what was
21 going on.

22 Q. Nowhere as old and decrepit as I am. At what time
23 did you folks go out on the Lake, did you start your touring?

24 A. We probably went out, I want to say, 1:15, 1:30
25 maybe. 1:15.

1 Q. Okay. So you had been out a little over --

2 A. We had been out on the water for a while. We had
3 been over on the east side and, you know, just kind of looking.
4 It was just a nice opportunity because I don't get that often
5 to just go on the boat and just kind of look around and see
6 like what lots are being built or a house being torn down and a
7 new one being built. You know, I like being nosy a little bit.
8 It was just an enjoyable day. It was a very lovely day. In
9 fact, we had gone up and we had started, you know, cleaning and
10 doing those kinds of things at our house, and I said to him, I
11 actually said to my husband, what are we doing this for. Let's
12 go out on the boat. So, you know, maybe a little after 1:00.

13 Q. Okay. You -- do you have a house in the Green Harbor
14 area?

15 A. We have a townhouse on the Green Harbor Community.

16 Q. Okay.

17 A. It's -- Green Harbor consists of single family and,
18 and townhouses.

19 Q. Okay.

20 A. So, you know, that boat, the Ethan Allen comes in our
21 harbor, you know, that's one of -- that's in it's tour, you
22 know, it goes right into Green Harbor. So this isn't a boat
23 that we're unfamiliar with.

24 Q. Correct.

25 A. And you just never see that many people on the boat.

1 I mean never ever, ever, ever have I ever, and this is -- and
2 I'm talking Saturdays and Sundays, is primarily, you know, when
3 we're up and, you know, in the Harbor. Never have we ever seen
4 the boat like that. I mean sometimes you'd see it with as
5 little as maybe six passengers. I mean you just wouldn't see
6 the boat having many people on it. That's why -- the first
7 thing out of my husband's mouth when he saw it was how full it
8 was.

9 Q. Uh-huh.

10 A. You know, it was striking to us.

11 Q. I understand that.

12 A. Yeah.

13 Q. Where in the Green Harbor? Are you on the west bank
14 or out on the point?

15 A. We're on the mountain.

16 Q. You're on the mountain.

17 A. Uh-huh. 36 Lookout Mountain Drive.

18 Q. And where do you dock your boat? On the west side or
19 the east side?

20 A. We dock our boat on the west side in the little
21 harbor.

22 Q. Okay. I'm looking at an aerial photo --

23 A. Uh-huh.

24 Q. -- that's all. And I'm just trying to orient myself.

25 A. Yeah, we're probably -- from -- in the harbor we're

1 way down, probably like maybe the third dock from the end of
2 the harbor.

3 Q. South end?

4 A. Yeah, uh-huh. No, the north -- it would actually be
5 the north end.

6 Q. The north end.

7 A. Yeah, yeah.

8 Q. Okay. By the boat launch? Is that a boat launch at
9 the north end?

10 A. No.

11 Q. No.

12 A. No.

13 Q. Okay.

14 A. No, not that I'm aware of.

15 Q. Okay.

16 A. I haven't seen a boat launch there.

17 Q. There's, there's -- on the aerial photo, it's --
18 there's a little handle type situation in there and from my
19 perspective, it kind of looked like a boat launch.

20 A. No, no.

21 Q. Okay.

22 A. Uh-uh.

23 Q. Okay. Not a problem. Now you were sitting facing
24 northbound.

25 A. I was, yeah, facing north and I had my dog in my --

1 one of my dogs in my lap.

2 Q. Okay. And I believe -- I know your husband said
3 there was no wake.

4 A. No, oh, no. I mean it was just so peaceful. I mean
5 I wouldn't have stayed out on the Lake, let me tell you, if it
6 was like a rough day. I just -- I'm not good with that. My
7 children make fun of me but --

8 Q. Could you give me an approximation about where your
9 wake was in relation to the EA when she went over?

10 A. God, I can't imagine that we had any wake, because we
11 were probably going about 5, 6 miles an hour.

12 Q. Okay.

13 A. I mean we were going slow.

14 Q. Uh-huh.

15 A. Because when you hit Green Harbor, if you're going to
16 go in there, that's a five mile zone.

17 Q. Yeah.

18 A. We were just below it, and I don't go fast on the
19 boat. I am one, I don't go fast. My children make fun of me.

20 I might, you know, 12 miles an hour for me is like scary.

21 Honest to God, that's true. So I can't imagine that there was,
22 you know, any wake from our boat. I mean we were just like
23 creeping along, just going really slow. We had the two pugs in
24 the boat.

25 Q. Uh-huh.

1 A. I mean, you know, if it weren't for my hysteria with
2 the boat, these two little things like they couldn't handle
3 going very fast in the boat either. That's why we went slow
4 the whole time, you know. We just kind of tootled (ph.) along
5 in the boat.

6 Q. Yeah, I understand. Did you see any other boats to
7 your east?

8 A. There -- I'm sure there would have been some boats to
9 the east but not a lot of boats because one of the first boats
10 to come, you know, I started screaming for help obviously
11 pretty quickly. I mean you look at the situation and they knew
12 that you need help here. And a fairly, I don't know, you know,
13 one of those kind of high boats, bigger boats, much bigger than
14 ours, came within -- well, by the time they got there, well, it
15 would have been over anyway because, you know, their comment to
16 me was all they saw, they wouldn't have even known to come if
17 it wasn't for my screaming, was all they saw was like the top
18 of the Ethan Allen, something -- as they said, something in the
19 water with some smoking coming out, they wouldn't have
20 identified it as even a boat. So, you know, were there other
21 boats out in the Lake? Yeah. Were there a lot of them? No.

22 Q. Okay.

23 A. No.

24 Q. Did you see any activity on the beach at Hearthstone?

25 A. No, no. No, I wasn't looking to be honest with you.

1 I was just looking north.

2 Q. Uh-huh.

3 A. So, you know, at Hearthstone I couldn't tell you
4 anything.

5 Q. Had you folks gotten that far when --

6 A. You know, I don't, I don't know. You'd have to ask
7 my husband, because I'm just looking north.

8 Q. Okay.

9 A. You know, I'm focused, I'm looking north, that's how
10 I -- I literally turned my who seat around and I'm looking
11 north --

12 Q. Okay.

13 A. -- on the boat.

14 Q. What, what reaction did you see on the passengers
15 during this turn?

16 A. I -- other than the fact that you had to know that
17 they were kind of moving in the boat, could I see like specific
18 people falling on the floor, no, I couldn't because there's
19 that white thing that kind of goes along the side. I don't
20 know if it's fiberglass. I would guess it's fiberglass or
21 something like that --

22 Q. Yeah.

23 A. -- on the side. So all you could see is like, you
24 know, like a little head movement of people but you couldn't
25 really see, you know, really how people were sliding or anybody

1 hitting the floor. I know that to be true because I talked to
2 some of the ladies that we had on our boat that, you know, you
3 know, my one lady said that people were literally airborne and
4 literally, like shooting, you know.

5 Q. Yeah.

6 A. And I know that to be true, but I'm not going to tell
7 you that because I didn't have that kind of view into the boat.

8 Q. Okay. And what did you see on the boat as far as the
9 boat itself?

10 A. When it made the turn?

11 Q. Yeah.

12 A. I guess I was probably more focused on that, you
13 know, the boat was like really all over the place. It was like
14 bobbing in the water. I mean it was -- you just it couldn't
15 right itself, and I mean, I'm no real boater, you know. I've
16 never driven our boat nor do I ever care to drive our boat.

17 Q. You didn't take the boating safety class with your
18 husband?

19 A. No, I didn't because I knew I would never drive the
20 boat.

21 Q. You should have taken it anyway.

22 A. You know, I just have this -- I call it a healthy
23 fear, and let me tell you, I know that that's the case now.

24 Q. Yeah.

25 A. Yeah.

1 Q. You didn't see the propeller come out of the water or
2 anything like that?

3 A. Oh, yeah. Oh, yeah. Definitely. The boat was like
4 bobbing. I mean that's the only thing I can say, like, you
5 know, if you, you know, you see pictures of somebody throwing
6 something like in the ocean and there's like a wave or
7 something, and it's bobbing.

8 Q. Yeah.

9 A. That might be what some people kind of think were
10 waves that people are reporting that in boat. You know, I mean
11 when you see the boat going up, and you know it's bobbing, I
12 mean it's bobbing and lifting, it's creating probably some
13 wakes by doing that.

14 Q. Uh-huh.

15 A. You know what I mean. And so if you're on the boat
16 and, you know, it's got sides, and you're seeing yourself, you
17 know, being flung, and that's what people were telling me, that
18 people went all over to one, you know, people are going over to
19 one side, you could maybe think that, you know, that that was
20 what was happening, but clearly that wasn't what was happening.

21 Q. Okay. So you're pretty much saying that there was no
22 wake --

23 A. There was no wake.

24 Q. -- and it was just the turn and --

25 A. It was the turn.

1 Q. -- the motion of the vessel.

2 A. I was the one that made that awful, as the Times
3 Union so kindly, you know, kindly said, the shrieking 911 call.

4 Q. Yes, ma'am. I've seen you on TV.

5 A. Yeah.

6 Q. And I did hear the tape.

7 A. And that's why, you know, I'm -- my husband and I are
8 just we don't get it. We don't get it. When, you know, people
9 are like, you know, I mean even some of the people that
10 rescued, some of the crap they're saying, I'm like, oh, yeah,
11 really, they were doing that. You want to hear a terrible
12 story. Margie, the one lady that we had on our boat --

13 Q. Yes.

14 A. -- I think was the last alive. We had a dead person
15 on our swim platform but I think she was the last live lady to
16 come in our boat. The, the crappie people in the boat next to
17 us wouldn't let her in their boat and said to her, you can hang
18 onto our boat, but you can't come into our boat. And she was
19 hanging on the propeller and she thought, if they ever start
20 the boat, she said my legs would be gone.

21 Q. Uh-huh.

22 A. That's how nice people were but then, you know,
23 they're on TV bragging about all they did.

24 Q. Yeah.

25 MS. BURER: Yes. We heard.

1 MAJ. RIVENBURGH: We've been there.

2 MS. CLOUTIER: Yeah.

3 MS. BURER: Yeah.

4 MS. CLOUTIER: You what? When I, you know, when you
5 know that that's the situation and you won't let somebody on
6 your boat, on Tuesday Larry went up the Tuesday after and, you
7 know, cleaned down our boat and had to take the carpeting out
8 because those people had diesel fuel all over them. My
9 clothing was reeking of diesel fuel.

10 MAJ. RIVENBURGH: Yes.

11 MS. CLOUTIER: Because as the ladies would come in
12 and I'd take their life preserver and throw it to someone else,
13 I was hugging them and, you know, they were just full of like
14 diesel fuel.

15 BY MAJ. RIVENBURGH:

16 Q. I understand completely. I also understand the, the
17 elevated voice on the 911 tape.

18 A. Oh, yeah, but, you know, it's like, as I'm trying to
19 redeem myself, I said did not say exactly the location? Did I
20 not give them it was the Ethan Allen, and there were a lot of
21 people and that we needed people and that we needed help quick
22 as opposed to the man who called us and said up in Diamond
23 Point? I'm like I gave them the information. But this was a
24 pretty, you know, this was an awful situation. I said to my
25 husband the Ethan Allen is going to tip over, and -- but, you

1 know what? Your brain keeps saying to you, these things done
2 happen on a boat. It's a tour boat. They don't happen.

3 Q. Yeah.

4 A. You know what I mean? And so, you're trying to --
5 did I know it was going to happen? Absolutely. But when it
6 went over, was I like, like stunned, shocked, I mean it was
7 like terrific. When it happened, it was just like
8 unbelievable.

9 Q. Well, can -- I'm done with my questions.

10 A. Okay.

11 Q. I'm going to turn it back over to Marietta but I'd
12 like to speak to you once we turn the tape off for a second.

13 A. Okay.

14 BY MS. BURER:

15 Q. I just have one real quick question.

16 A. Sure.

17 Q. Can you tell me anything, because you've had laser
18 surgery, and you have very good vision, in regards to the
19 windows? Did you see anything in -- with that?

20 A. No. I believe that that's how the people ended up
21 going out the sides.

22 Q. Okay. So you do not know if they were up or down
23 or --

24 A. I would say they were -- the windows gave them the
25 ability to get out, that they weren't down.

1 Q. Okay. And do you see the Ethan Allen pretty often?

2 A. We see that boat very frequently. My husband sees it
3 more frequently than I do but, you know, I see -- have I seen
4 it every weekend this summer that I've been up at the Lake?
5 Yes.

6 Q. Okay.

7 A. Uh-huh. Yes, it's very familiar and Larry would be
8 more familiar because as I said, I'm the one that stays back at
9 the house when the, the Lake is a little bit rough because the
10 kids want to go tubing.

11 Q. Right.

12 A. I just don't do that.

13 Q. Right. And the times when you actually have seen it
14 this summer, can you tell me about the windows, if they were
15 open or closed?

16 A. I would say that God knows. This summer was so warm,
17 that I would say open.

18 Q. Okay.

19 A. Yeah.

20 Q. All right.

21 A. But, you know, you would see like, and honestly, when
22 I tell you like 6 people, you know, maybe 10, 12 people --

23 Q. Right.

24 A. We have never, and I mean in -- I think this was our
25 third summer being in Green Harbor, we have never seen a boat

1 with that many people.

2 Q. Right.

3 A. Or even close to that many people. I mean it was
4 like there wasn't. When you looked at it, all I could think of
5 was like a can of sardines and they were just, you know,
6 layered in. You know what I mean?

7 Q. Right. Yes.

8 A. It wasn't a space to be had on that boat.

9 Q. Right.

10 MS. BURER: Okay. Well, thank you.

11 MS. CLOUTIER: You're very welcome.

12 MS. BURER: You've helped us very much, and I'm going
13 to go ahead and turn off the recording.

14 MS. CLOUTIER: Okay.

15 MS. BURER: But don't hang up, okay.

16 MS. CLOUTIER: Okay.

17 MS. BURER: And then thank you for your time and
18 telling your story to us again.

19 MS. CLOUTIER: Okay.

20 MS. BURER: And your husband, too. Okay.

21 MS. CLOUTIER: Uh-huh.

22 MS. BURER: Thank you.

23 (Whereupon, the interview in the above-entitled
24 matter was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Larry Steinhart and
 Joyce Cloutier

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 12, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Kathyrn A. Mirfin
Transcriber